



Division of
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COMMODITY FUTURES TRADING COMMISSION

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May 24, 2018

By ECF

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

Re: *Commodity Futures Trading Commission v. Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets*, No. 18-CV-00361 (JBW)(RLM)

Dear Judge Weinstein:

I am a Trial Attorney in the Division of Enforcement (the “Division”) of the Commodity Futures Trading Commission (the “Commission”) and represent the Commission in the captioned matter. I write concerning the motion for reconsideration by Defendant Patrick K. McDonnell that the Court will hear on July 9, 2018. (*See* ECF 88.) The Commission’s understanding is that on July 9, the Court will consider the yet-to-be-docketed paper motion served on Plaintiff via U.S. mail postmarked May 16, 2018 (“Motion for Reconsideration”), as well as the related filings McDonnell has made. (*See, e.g.*, ECF 69, 75, 87.)

The Commission opposes McDonnell’s “emergency” request for the Court to hear his motion sooner and to stay discovery. (ECF 91-94.) This is yet another transparent attempt by McDonnell to avoid and delay complying with his discovery obligations such as appearing for a properly noticed deposition, for which he has already once failed to appear without prior notice to Division Staff. (*See* ECF 73.) McDonnell’s meritless motion does not warrant any expedited consideration, and Chief Magistrate Judge Mann continues to oversee discovery in this action judiciously, including rejecting a prior request by McDonnell to stay discovery and imposing firm deadlines for McDonnell to appear for deposition and respond to outstanding discovery requests. (*See* ECF 82.)

Furthermore, given that Defendant McDonnell has continued to supplement his Motion for Reconsideration with additional filings as recently as May 23, 2018 (*see, e.g.*, ECF 90), the Commission respectfully requests an extension of time to file any opposition to Defendant’s motion by no later than July 2, 2018.

Hon. Jack B. Weinstein

May 24, 2018

Page 2

Respectfully submitted,

/s/ Alejandra de Urioste

Alejandra de Urioste

cc: Patrick K. McDonnell (by electronic mail)